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**THE CITY OF NEW YORK
LAW DEPARTMENT**

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April 11, 2008

VIA FACSIMILE

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Lipscomb v. City of New York, et al.
Docket No. 07-CV-4603 (PKC) (FM)

Dear Judge Castel:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent defendants, the City of New York, Deputy Inspector Theresa Shortell, Sergeant Vincent Gravelli and Lieutenant Michael Casey (collectively "Defendants") in the above-referenced matter.

I write in response to the Court's Order dated March 20, 2008, in which Mr. Upton, counsel for plaintiff, was directed to telephone me and "... arrange a face-to-face, meet and confer session for no less than an hour in a good faith effort to resolve or narrow the outstanding discovery disputes." The parties were then directed to submit a joint letter by April 11, 2008, detailing the outstanding disputes after our meet and confer, setting forth each side's position on the disputed issues.

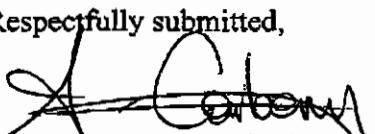
On or about April 2, 2008, Mr. Upton telephoned and emailed me advising me that he had returned to the office from a vacation and would like to arrange a time to meet and confer. Due to previously scheduled depositions in two other matters, I was engaged in both taking and defending depositions each day from March 28, 2008 through April 8, 2008. I contacted Mr. Upton and advised him of my schedule, and we both agreed to meet on Thursday April 10, 2008. On April 10, 2008, Mr. Upton and I met for in excess of an hour and a half as ordered by the Court. However, as of the time of this letter, I have not yet received plaintiff's

portion of the joint letter detailing the outstanding disputes plaintiff wishes to be addressed by the Court. Accordingly, defendants have not been afforded sufficient time to review Mr. Upton's remaining disputes and prepare an appropriate response by the pending deadline of today April 11, 2008.

In addition, I am producing a defendant to be deposed in another matter on Tuesday, April 15, 2008, who is flying to New York City from Florida solely for the purpose of attending his deposition. Therefore, I will be out of the office all day Tuesday and unable to attend to this matter before leaving the country from April 16, 2008 until April 22, 2008. Therefore, I would respectfully request that the parties' time to submit a joint letter regarding the disputed discovery matters be extended until April 24, 2008 and that plaintiff be directed to serve defendants with his portion of the proposed joint discovery letter via electronic mail on or before the close of business on Monday, April 14, 2008.

No previous request for this relief has been sought by the defendants. Plaintiff's counsel does not join in the instant application.

Respectfully submitted,


Andrez Carberry (AC 4267)
Assistant Corporation Counsel

cc: John Ware Upton (Electronic Mail)
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Joint Letter
due April 24 unless
issues are resolved
prior thereto
SJD/JSD
4/11/08

- 2 -